

R U L E S

A N D

D I R E C T I O N S

For all such
P E R S O N S
A S

Are obliged to find or contribute, either to-
wards H O R S E or F O O T,

I N T H E
M I L I T I A
W I T H

The Manner and Proportions of Assessing and Charg-
ing the same, as also of furnishing of Arms ac-
cording to the MANDATE lately distributed by Or-
der of the Lieutenancy of this City.

The Whole Abstracted from all the several Acts of
Parliament in Force relating thereto.

L O N D O N :

Printed for T. GARDNER, at *Cowley's Head*, near *Devereux-*
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Ms. A. 9. 2. 1

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REPORT

OF THE

COMMISSIONERS OF THE

LANDS OFFICE



IN THE

YEAR 1841

PRINTED BY

JOHN JOHNSON

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LONDON



T O T H E

Worthy Inhabitants of the City of LONDON.

GENTLEMEN,



*H E. MANDATE lately distribu-
ted, by Order of the Honourable
the Lieutenancy of this City, in
Order to apprise all such Per-
sons, as are chargeable to the
Militia, for them to provide the
proper Arms, in order for an Inspection within
a Month after Notice; And the said Mandate
having been distributed without Distinction to e-
very House chargeable or not chargeable, and put
Numbers*

The PREFACE.

Numbers of People, who occupy Houses of very small Rents, to the Expence of providing Arms, where their Proportion or Rent would not amount to one Quarter or Fifth Part of the Share, or Part, of such Expence, has induced me, being pretty conversant in the Statute Law, to collect and throw together an Abstract of the several Acts of Parliament now in Force relating thereto, and hope they are reduced in such a Form as may be satisfactory to every candid Reader.

*Clerkenwell,
June 30. 1739.*

I am, Gentlemen,

Your Obedient Humble Servant,

RALPH KEATE.

RULES



R U L E S

A N D

D I R E C T I O N S, &c.

Sect. II.



THE King, his Heirs and Successors ^{13 and 14 of} may from Time to Time issue ^{Char. 2. Cap.} Commissions of Lieutenancy for the ^{3. An Act for} several Counties, Cities and Places ^{ordering the} of *England and Wales*, and Town ^{Forces in the} of *Berwick upon Tweed*, which Lieu- ^{several Coun-} ^{ties of this} ^{Kingdom 1661} tenants may call together such Persons, at such Times, and arm and array them in such Manner, as follows ; and form ^{The Power of} them into Companies, &c. and conduct and employ them, ^{the Deputy} within the Places for which they shall be commissioned, and ^{Lieutenants.} other the Places aforesaid, to suppress Insurrections, or repel Invasions, as the King shall direct. The said Commissioners may give Commissions to Colonels, Majors, Captains, and other Commission Officers, and present to the King the
ames

Rules and Directions to be observed

Names of such, as they think fit, to be Deputy Lieutenants, and upon his Approbation shall give them Deputations, yet the King may order otherwise, and at Pleasure commiffionate or displace, such Officers, and the said Lieutenants, and in their Absence, or otherwise, by their Direction, the Deputy Lieutenant, or any two, or more of them, may exercise and conduct the Persons so to be armed, &c. as is hereafter expressed.

S E C T. III.

The Manner of Charging and Providing Arms.

THE Lieutenants, or their Deputies, or the major Part of them then present, or, in the Absence of the Lieutenants, the major Part of the Deputy Lieutenants, which shall be Three at the least, may charge any; where their Estates lie, with Horse, Horseman and Arms that have 500 *l. per Annum*, in Possession, or 6000 *l.* in Goods, or Money, besides the Furniture of their Houses, and so proportionably: And any Person with a Foot Soldier and Arms that have 50 *l. per Annum*, in Possession, or 600 *l.* in Goods, or Money, other than Stock on the Ground, and so proportionably; they shall charge none to find both Horse and Foot in the same County.

S E C T. IV.

The same Estate not chargeable to both Horse and Foot.

NONE shall be chargeable with or towards a Horseman or Foot Soldier too for the same Estate; several Persons may be joined together, in the Charge of finding a Horse, Horseman and Arms.

S E C T. V.

Directions as to Ability.

NONE having under 100 *l. per Annum*, in Possession, of any Estate, or 1200 *l.* Personal Estate, shall contribute in finding

finding any Horse. The said Lieutenants, and Deputies, or any three, or more of them, may hear Complaints, examine Witnesses upon Oath, and give Redress in Matters relating to the Execution of this Act; and shall require Allowance of 2 s. *per Diem*, to Troopers, and 12 d. for the Foot Soldier, if the Persons chargeable serve not in Person, for so many Days as they are absent from their Dwellings, and may lay Rates for Ammunition, and other Necessaries not exceeding in a Year, a fourth Part of 70,000 l. *per mensem*, lately charged by an Act for raising 70,000 l. for a further Supply to His Majesty, to be paid according to their Directions, under such Penalties, and by such Means as are prescribed in the said Act.

SECT. VI.

How ordered in Cases of Insurrection.

AND in Case of Insurrection, or Invasion, the Persons charged shall provide their Soldiers with Pay in Hand, not exceeding one Month's Pay, as shall be directed by the Lieutenants, and in their Absence, or otherwise by their Direction, by their Deputies, or any two or more, for Repayment of which, and for Satisfaction of the Officers for such Time, not exceeding one Month, as they shall be in actual Service, Provision shall be made by the King out of the Treasury. None that have advanced a Month's Pay shall be charged with any other Month's Payment till they are re-imbursed.

SECT. VII.

How to charge Carts and Horses to carry Provisions.

THE Lieutenants, and their Deputies, or chief Officers upon the Place, may charge Carriages and Horses to carry Powder and other Materials at 6 d. a Mile outwards for every Carriage, with Five Horses, or Six Oxen, and so proportionably, and for every loose Horse 1 d. upon marching of any Company, on Occasion of any Insurrection, or Invasion, and may imprison Mutineers and Soldiers not doing

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nished.*

Rules and Directions to be observed

their Duty at Musters and Trainings, and inflict Mulcts, not exceeding Five Shillings, or Imprisonment, not exceeding twenty Days, for every Offence.

S E C T. VIII.

Penalties for not providing.

If any charged with Neglect to provide, or to pay, such Sums, as aforesaid, the Lieutenants, and their Deputies, or any three, or more, may inflict a Penalty, not exceeding 20 *l.* and by Warrant, under Hand and Seal, levy such Sums, or the Value of such Horses, Arms, and Furniture, and Penalty inflicted, by Distress, and Sale of Goods, to be employed to the Uses, in Default whereof it was imposed.

S E C T. IX.

Punishment of such as sell, or imbezzle their Arms, or not appearing on Summons compleatly armed.

If any so to be armed, detain or imbezzle his Horse or Furniture, wherewith he is intrusted; the Lieutenants, in his or their Absence, &c. their Deputies, may imprison till Satisfaction be made, and if such Persons appear not compleatly armed upon Summons, through their own Default, may imprison them five Days, or inflict a Penalty if a Horseman, not exceeding 20 *s.* and if a Footman not exceeding 10 *s.* to be paid without Delay, and if any so charged, neglect to send in his Horse, upon Summons they may inflict a Penalty not exceeding 5 *l.* to be levied by Distress and Sale of Goods.

S E C T. X.

Ability of Persons assessed.

THE Lieutenants and their Deputies may, or any three or more of them, examine upon Oath, touching the Ability of Persons so to be charged such as they think convenient, other than the Persons themselves.

S E C T.

in the **MILITIA.**

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S E C T. XI.

Appointment of Treasurers and Clerk.

THE Lieutenants shall appoint for Receiving and Paying, Treasurers, Clerks, &c. who shall account every Six Months.

S E C T. XII.

The Deputy Lieutenants to obey the Orders of the Lieutenants.

THE Deputy Lieutenants shall observe and obey such Orders and Directions as they shall from Time to Time receive from their respective Lieutenants. And for the better securing the Peace, the Lieutenants, or two or more of them, may by Warrant employ Persons, of which a Commission Officer, or a Constable, or his Deputy, or the Tithing-man, or, in their Absence, some other Officer of the Parish, shall be two to search for and seize Arms, in the Custody of such as the said Lieutenants, or any two of their Deputies, judge dangerous, and secure them for the Service aforesaid, and give Account thereof to the Lieutenant. No Search to be made between Sun Setting and Rising, other than in Cities and their Suburbs, Towns Corporate, Market Towns, if the Warrant so direct. No Dwelling House of a Peer shall be searched, but by Warrant from the King under the Sign Manual, in Case of Resistance they may enter by Force, the Arms seized may be restored if the Lieutenants or Deputies think fit.

S E C T. XIII.

S E C T. XIII.

Constables, if called for, to assist.

HIGH Constables, Petty, and other Officers shall be assisting in Execution of the Premises.

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S E C T.

Rules and Directions to be observed

S E C T. XIV.

The Manner of collecting from such as are absent from their Estates, or in another County.

If any Person charged reside not in the County, the Lieutenants and Deputies, or three, or more of them, shall send Notice to his Servant that manageth his Land, or if all be let to one or two of his most sufficient Tenants, who are to convey it to their Master, or Landlord, and within the Time appointed bring his Answer to the Lieutenants, or their Deputies, or three, or more of them. And upon his Neglect shall provide as he ought to have done, else the Lieutenant, and in their Absence, their Deputies, &c. by Warrant under their Hands and Seals may levy by Distress and Sale of Goods, the Penalties appointed by this Act, which such Tenants may default out of their next Rent, unless the Landlord within two Months after such Levying, make appear to the Lieutenants, and in their Absence, &c. that the Default was occasioned by Neglect of the Tenant.

S E C T. XV.

No Peer shall serve as Lieutenant, or Deputy Lieutenant, unless he shall first take the Oaths before Six Lords of the Privy Council.

S E C T. XVI.

GENERAL Musters shall be but once, and Training of single Companies not above four Times in the Year.

S E C T. XVII.

THE Island of *Purbeck* to be charged in the County of *Dorset*.

S E C T.

S E C T. XVIII.

Persons charged shall not be compellable to serve in Person, but may find others to be approved of by their Captain, but subject to be altered upon Appeal to the Lieutenant, or in his Absence, &c. Persons so found shall serve under such Penalties as are before appointed by this Act. All serving in Person, who are also to be approved as aforesaid, and all serving in others Stead, shall at the next Muster of their Troop, or Company, give in their Surnames and Places of Abode, to such as the Lieutenant, or in his Absence any three, &c. shall appoint to be listed. After such Listing, such Party shall not depart the Service, or be discharged thereof, without Leave of the Lieutenant, or two Deputy Lieutenants, or his Captain, but not subject to such Appeal, under their Hands and Seals, on Pain of 20*l.* to be levied *ut supra*; and upon Non-payment, or want of Distress, to be committed for any Time not exceeding three Months, to the common Goal of the County.

S E C T. XIX.

Nothing in this Act shall put a new Charge of Arms on Tanners in *Devon*, and *Cornwall*.

S E C T. XX.

THE Lieutenants for the Militia of *London* shall continue to list and levy the Train'd-Bands and Auxiliaries in such Manner as was used in forming the present Force, now raised by the King's Commission, and may levy yearly so much Money as they shall judge needful, as the present Assessment is now levied, not exceeding in one Year, one Month, the Tax which the City now pays towards the Tax of 70,000*l.* *per Menssem.*

S E C T.

S E C T. XXI.

OFFICERS and Soldiers of any of the Militia, City, Town corporate, Borough, that is a County of itself, or other Corporation, or Port-Town, shall not be compellable to appear out of the Liberties of the same, at any Exercise, only such Places shall find their usual Number of Soldiers, unless the Lieutenant lessen the same.

S E C T. XXII.

COVENANTS between the Landlords and Tenants shall not be avoided by this Act, nor any Alteration made in the Isle of *Wight*.

S E C T. XXIII.

THE Constable of the Tower may continue to levy the Trained-Bands of the Tower-Hamlets in such Manner as was observed in forming the present Forces.

S E C T. XXIV.

No Peer shall be charged than as followeth, *viz.* The King shall issue Commissions under the great Seal to 12 or more Peers, who or 5 of them shall assess the Peers according to the Proportions in their Act, (except the Monthly Taxes, which are to be levied as above) and put all the Authorities in this Act in Execution, Imprisonment excepted: Which Charge and Penalties imposed shall be certified to the respective Lieutenants, and in Default of Performance, they their Deputies, or *&c.* shall cause Distresses to be taken, and for Want of Satisfaction, within a Week after, sell the same, for Performance of the said Service, and if the Tenant of any Peer shall be distrained for such Default, he may deduct the same out of his Rent.

S E C T.

S E C T. XXV.

What Pay each Trooper, or Foot Soldier, is to have unless agreed for otherwise before Witness.

AND be it further enacted, that all and every Person charged, or to be charged, by Virtue of either of the said Acts, with Horse, Horseman and Arms, or Foot Soldier and Arms, shall, under the Penalty of forfeiting 5 s. pay and allow, upon Demand, 2 s. 6 d. by the Day, to each respective Trooper that serves with such Horse and Arms, for Maintenance of the Man and Horse, and shall, under the Penalty of 2 s. pay and allow, upon Demand, 1 s. by the Day, to each respective Foot Soldier, for so many Days, as they shall be absent from their Dwellings, or Callings, by Occasion of Muster, or Exercise, according to the Rules of the said Acts, which said Penalty is to be levied, as is hereafter expressed, unless some certain Agreement be made to the contrary before good Witness. And the said Penalty is to be paid to such Trooper, or Foot Soldier, to whom his said Pay was denied. The respective Penalties to be demanded in Six Weeks after each respective Default, or at or before the next succeeding Muster, Exercise, or Training, and not afterwards.

15th Char. 2.
Cap. 4. An
additional
Act.

S E C T. XXVI.

Penalty on Persons refusing to find Arms.

THE Lieutenant, or Deputies, or any three of them may inflict a Penalty of 5 l. on Persons refusing to provide such Foot-Soldiers, &c. to be employed to the Uses, in Default whereof it was imposed, and may appoint Constables to provide, upon a Penalty not exceeding 40 s. so many Foot-Soldiers with Wages and incident Charges as shall be assessed upon Revenues under 50 l. per Annum, or personal Estates less than 600 l. in their several Parishes.

S E C T.

S E C T. XXVII.

The Method of compelling to Pay.

IF any refuse to pay, or provide, the Constable by Warrant, for that Purpose, may levy it by Distress and Sale of Goods, the Tenant to pay it, and deduct it out of his Rent.

S E C T. XXVIII.

To pay the Muster Master.

ONCE a Year every Soldier shall pay to his Muster-Master, who shall be an Inhabitant of the respective County such Sum, not exceeding 1 s. for a Horseman, and 6 d. for a Footman, as the Lieutenant, or Deputy Lieutenants, or any three of them, under Hand and Seal direct, who may levy it by Distress and Sale of Goods, on Persons chargeable, unless the Default be through the Soldiers Neglect, who in that Case is to be accountable for the same.

S E C T. XXIX.

What Arms and Ammunition to find.

AT every Muster, a Musketeer must bring half a Pound of Powder; and half a Pound of Bullets: A Horseman a quarter of a Pound of Powder, and a quarter of a Pound of Bullets, at their Charge who provide the said Soldiers, who are to forfeit 5 s. for every omitting to bear such Charge. The Horseman to have a broad Sword, a Case of Pistols, the Barrels 12 Inches long, and a Carbine with Belt and Bucket, a great Saddle or Pad with Bars and Straps, and a Bit and Bridle, with Pectoral and Crupper, and for every Foot Soldier, a Musket, the Barrel to be five Foot long, the Gauge for Bullets of twelve to the Pound, with a Bayonet to fix in the Muffel thereof, a Cartouch Box, and a Sword under the same Penalties.

S E C T. XX.

Foot-Officers excused from finding Horse or Foot if charged, but with one Horse or less.

EVERY Foot-Officer in the Militia shall be excused from finding either Horse or Foot, if charged but with one Horse or less, if with more, then for so much as shall be charged with one Horse.

S E C T. XXXI.

Soldiers subject to Orders.

SOLDIERS raised by Virtue of this Act shall be subject to all Orders of the former Act, and under the Penalties therein expressed.

S E C T. XXXII.

Disposition in Favour of the inferior Officers.

THE Lieutenant and Deputies or three of them, may dispose so much of the fourth Part of one Month's mentioned in the former Act, to the inferior Officers, as they shall think fit.

S E C T. XXXIII.

Defendants in this Act.

DEFENDANTS for any Thing in Execution of this Act, may plead the general Issue, and if Judgment be for him, or the Plaintiff be nonsuit or discontinue, shall have double Costs. And such Actions shall be laid in the proper Counties, and brought within 6 Months after Cause of Action.

S E C T. XXVI.

The Forfeitures how to be levied.

THE Forfeitures by this Act imposed (not otherwise provided for or how to be levied or recovered) may by Warrant under Hand and Seal from the Lieutenants and their Deputies, or three of them, by Distress and Sale of Goods, and for Want thereof Commitment till Satisfaction by like Warrant.

S E C T. XII.

Different Charges on Persons of 200 l. per Annum, or 2400 l. personal, and those that are under.

THOSE that have Estates of 200 l. per Annum, or personal Estates of 2400 l. shall be charged with Foot, but they that have an 100 l. per Annum, or 1200 l. and under 200 l. per Annum, or 2400 l. may be charged with Foot, or towards finding a Horse; but this shall make no Alteration concerning the Forces to be raised in Cities, Corporations, and Port-Towns.

S E C T. XI.

Cinque-Ports.

THE Warden of the Cinque-Ports, and in his Absence, his Lieutenants, shall put in Execution in the said Ports, and their Members, the Authorities given in these Acts, and continue the usual Number of Soldiers there, unless they see Cause to lessen the same. The Inhabitants of the said Ports, &c. shall not be charged for their Estates in the adjacent Counties, but for so much as they are liable to, and not charged in the said Ports.

S E C T.

S E C T. XXV.

Relating to Papists, and reputed such.

PAPISTS or reputed Papists, and Persons refusing to take the Oaths chargeable in respect of their Estates, to the finding a Horse, Horseman, and Arms, or a Foot-Soldier and Arms, the Lieutenants or Deputy Lieutenants of the County or Division, where such Estates do lie, or three or more of them may appoint such Persons as they shall think meet to furnish one or more Horsemen or Foot-Soldiers, and Arms for the said Estate, and may charge the said Estates with 8 L . for a Horse, Horseman and Arms, and 30 s . for every Foot-Soldier and Arms, to be paid to the Persons that shall furnish and set forth the same. And if the Persons so chargeable, neglect or refuse to pay the same on Demand, the said Lieutenant or Deputy Lieutenants, may levy the same by Distress and Sale of Goods of such Papists, &c. upon their Tenants: And the Arrears for the like Services already performed, to be determined by three or more Deputy Lieutenants, rendering the Overplus, the Charge in levying thereof being first deducted; and the Tenants so distrained on, may deduct the same out of their Rents.

Stat. 9th and 10th, Will. 3d, Cap. 31.

S E C T. XXXII.

The Manner of ordering where two are joined together for Horse or Foot.

Where two or more are charged to find any Horse or Foot Soldier and Arms, three or more Deputy Lieutenants of the County or Division may direct who shall find the Horse and Arms, or Foot Soldier and Arms, and who shall be the Contributors, and settle the Payment by every Contributor, if not ascertained by the Party. And such Contributor or his Tenant not paying his Proportion on Demand, three or more of

Rules and Directions to be observed

the Deputy Lieutenants of the County or Division, may levy the same by Distress and Sale of Goods of the Party so neglecting or refusing to pay, rendering the Overplus the Charge in levying, being first deducted, and the Tenant may deduct the same out of the Rent payable to his Landlord.

S E C T. XXXIX.

The Lieutenancy to appoint the Length and Size of Guns.

THE Lieutenant or Deputy Lieutenants may appoint the Length and Size of the Muskets as they shall think proper.

HAVING thus shewn what the several Acts of Parliament have directed as to the Conduct and Behaviour of all such as are any ways chargeable and subject to the Militia Laws, I will now endeavour to explain from common Custom and Example how the said Laws are commonly accepted, and and complied with, and to be methodical, I shall begin with repeating!

S E C T. III.

THE Lieutenant or Deputy Lieutenants, or major Part of them the npresent, or in Absence of the Lieutenant, the major Part of the Deputy Lieutenants then present, which shall be three at least, may charge any, where their Estate lie, with Horse, Horseman, and Arms that have 500 *l. per Ann.* in Possession, (or 6000 *l.* in Goods or Money) besides Furniture of their Houses; And so proportionably. And any with a Foot Soldier and Arms, that have or rent 50 *l. per Ann.* or 600 *l.* in Goods or Money other than Stock on the Ground and so proportionably. They shall charge none to find both Horse and Foot in the same County.

Some

Some Observations as to the Manner of charging and who must pay it.

You are from the foregoing to observe, that the Charge may affect both Landlord and Tenant, and where you imagine that it does, to desire to know in what Manner; for a Charge upon the first must be defrayed by him if he does not occupy the House himself, and the second by the Tenant.

S E C T. X.

And the Method of appealing for Redress, if overcharged.

THE Lieutenant and their Deputies, or any three, may examine upon Oath, touching the Ability of Persons to be charged. Such as they think convenient other than the Persons themselves.

OBSERVE that you must carry some Persons from your Neighbourhood to justify they believe what you alledge is true.

S E C T. XXXII.

WHEN two or more are charged to find any Horse or Foot-Soldier and Arms, 3 or more Deputy Lieutenants of the County or Division, may direct who shall find the Horse and Arms, or Foot-Soldier and Arms, and who shall be the Contributors; and settle the Payments by every Contributor if not ascertain'd by the Parties. And such Contributor or his Tenant not paying his Quota on Demand, three or more of the Deuty Lieuts. of the County or Division, may, by warrant under Hand and Seal, lay the same by Distress and Sale of Goods of the Party so neglecting or refusing to pay, rendering the Overplus, the Charge in levying being first deducted, and the Tenant may deduct the same out of his Rent payable to his Landlord.

You

Rules and Directions to be observed

You are to observe from this Section, that you are not obliged to find a whole Mounting of Arms, unless your House is 50 *l. per Annum*, or personal Estate is rated at 600 *l.*; for any thing under you, and such as shall be joined with you are to contribute in Proportion, as for Example, A House of 10 *l.* a Year to be one 5th. 20 *l.* 2 5ths. and 25 *l.* one Half both as to the Arms and Maintenance of such Foot Soldier, the Horse are also to bear a like Proportion as 500 *l. per Ann.* to one Horse, and so in Proportion, for all under liable thereto.

S E C T. XXXVI.

NONE that have Estates of 200 *l. per Annum*, or personal Estates of 2400 *l.* shall be charged with Foot.

BUT they that have an 100 *l. per Annum*, or 1200 and under 200 *l. per Annum* or 2400, may be charged with Foot, or towards finding a Horse, but this shall make no Alteration concerning the Forces to be raised in Cities, Corporations and Port-towns.

OBSERVE where any Tenant occupies any House or Land, Part of such Estate as valued at 200 *l. per Annum*, he under that Coverture is exempt from finding or contributing to Horse or Foot, on his Landlord's Account, and the same for such as are under 200 *l.* or above 100 *l. per Annum*. But for such whose Rents are from 10 to 15 and 20 *l. per Annum* to be charged half a Man (as is often practised) is a very great Imposition, as well as on those whose Rents are from 30 to 45 *l. per Annum*, to be charged a whole Man, and 'tis to be hoped Gentlemen will not suffer themselves to be over-rated no more in those Assessments, without complaining, than they would in the Land-Tax, which at first was lightly thought of, but no Body knows to what Lengths these may be drawn to, considering the uncertain Situation of the publick Affairs at this Time, when there seems to be a Conjunction forming amongst some of the neighbouring Powers for disturbing our Tranquility.

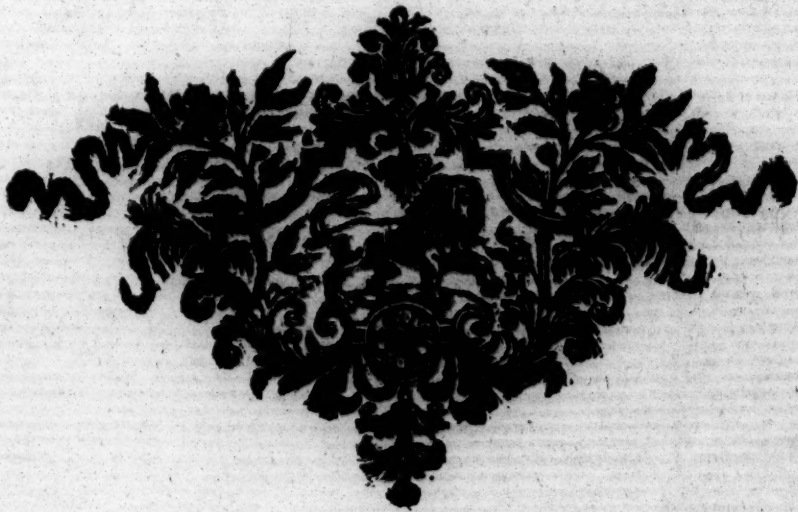
S E C T.

S E C T. XXXVIII.

PAPISTS or reputed Papists, and Persons refusing to take the Oaths, &c. See p. 19.

REMARK. This Section is so full in Expression, it need but little Explanation, any farther than as to that Part relating to the finding a Horse and Furniture for 8^l, which, as I take it, is to be but once for all, not every March.

F I N I S.



SECT. XXXVIII.

Parties of armed Troops, and Troops relating to take the Oath, &c. Sec. 19.

Remarks. This Section is to fill in Explanation, it need not have Explanation, any further than as to what Part relating to the making of a Horse and Footman for 31 which, as I take it, is to be put once for all, not every March.

FINIS

